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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/643,647	08/22/2000	Richard W. Dimeo	1-19-4-9	2426

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GREENBERG TRAURIG, LLP
885 3RD AVENUE
NEW YORK, NY 10022

EXAMINER

PEREZ GUTIERREZ, RAFAEL

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 08/27/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.
09/643,647

Applicant(s)
Dimeo et al.

Examiner
Rafael Perez-Gutierrez

Art Unit
2686



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Aug 22, 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 5, 7-9, 11, 12, 14-16, and 18-20 is/are rejected.
- 7) ☒ Claim(s) 3, 6, 10, 13, and 17 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Aug 22, 2000 is/are a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3 6) ☐ Other: _____

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DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement submitted on September 10, 2001 has been considered by the Examiner and made of record in the application file.

Drawings

2. New formal drawings are required in this application. See the attached Notice of Draftsperson's Patent Drawing Review for appropriate corrections.

Claim Objections

3. **Claims 3, 4, 6, 10, 11, 13, 17, and 18** are objected to because of the following informalities:

- a) On **line 1** of **claims 3, 4, 10, 11, 17, and 18**, insert --further-- before "comprising";
- b) On **line 2** of **claim 4**, insert --;-- after "path";
- c) On **line 3** of **claims 6 and 13**, insert --a-- after "at"; and
- d) On **line 2** of **claim 13**, replace "comprising" with --comprises--.

Appropriate correction is required.

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Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4, 11, and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites the limitation “said analog signals” in **line 2**. There is insufficient antecedent basis for this limitation in the claim. A previous recitation of analog signals cannot be found in either **claims 1, 2, or 4**.

Claims 4 and 11 recite the limitation “said filter” in **line 5**. There is insufficient antecedent basis for this limitation in the claims. A previous recitation of a filter cannot be found in either **claims 1, 2, or 4** (for claim 4) or **claims 8, 10, or 11** (for claim 11).

Claim 19 recites the limitation “said variable switch” in **line 5**. There is insufficient antecedent basis for this limitation in the claims. A previous recitation of a variable switch cannot be found in either **claims 15 or 19**.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless -- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 5, 7-9, 12, 14-16, and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by **Nakamura (U.S. Patent # 5,758,296)**.

Consider **claims 1, 8, and 15**, Nakamura clearly shows and discloses band edge amplitude reduction system for a mobile telephone receiver (abstract) and a method of receiving signals comprising:

by means of a filter selector 30 (processing circuitry) (figure 1), changing filtering characteristics of a variable filter 20 (figure 1) on a main signal path (i.e., IF signal path) as a function of at least one amplitude in an adjacent band (adjacent channel amplitude (signals not under control of the receiver) in figure 6) relative to a frequency band of operation of said main signal path (abstract, figures 1 and 6, column 2 lines 5-23, and column 4 lines 5-23).

Consider **claims 2 and 9**, and **as applied to claims 1 and 8 above**, Nakamura further discloses that the filtering characteristics on said main signal path can be changed by using an amplitude, calculated by signal deviation calculator 25 (figure 1), in said frequency band of operation on said main signal path (column 3 lines 5-21 and 35-63).

Consider **claims 4, 16, and 18**, and **as applied to claims 2 and 15 above**, Nakamura also shows and discloses:

providing a replica of analog signals on a detection path (path from A/D converter 26 to comparator 32) (figure 1 and column 3 lines 35-44);

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producing, by means of signal deviation calculator 28, deviation accumulator 31, and comparator 32 (detection circuitry) (figure 1), an amplitude for said analog signals in said frequency band of operation on said detection path (column 3 lines 44-63); and

changing, by means of a filter selector 30 (processing circuitry) (figure 1) said filtering characteristics of a filter 20 (figure 1) on said main signal path based on a comparison between said at least one amplitude for said adjacent band and said amplitude for said frequency band of operation (column 3 line 66 - column 4 line 23).

Consider **claims 5, 12, and 19**, and as applied to **claims 1, 8, and 15 above**, Nakamura further discloses that the filtering characteristics are changed by switching as a function of said at least one amplitude for said adjacent band (signals not under the control of the receiver) between a plurality of filters 20a, 20b having different filtering characteristics (figure 1 and column 4 lines 5-23).

Consider **claims 7, 14, and 20**, and as applied to **claims 1, 8, and 15 above**, Nakamura also discloses that the filtering characteristics are changed by narrowing a bandwidth for a filter 20 on said main signal path to attenuate signals on at least one band edge of said frequency band of operation (column 3 line 66 - column 4 line 23).

Allowable Subject Matter

6. **Claims 3, 6, 10, 13, and 17** are objected to as being dependent upon a rejected base

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claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims as well as any corrections to the objections made above.

7. **Claim 11** would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office Action and to include all of the limitations of the base claim and any intervening claims as well as any corrections to the objections made above.

8. Since allowable subject matter has been indicated, applicant is encouraged to submit formal drawings in response to this Office Action. The early submission of formal drawings will permit the Office to review the drawings for acceptability and to resolve any informalities remaining therein before the application is passed to issue. This will avoid possible delays in the issue process.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Szydlowski et al. (U.S. Patent # 6,501,944 B1) disclose a radio reception apparatus and method for the control of a radio reception apparatus.

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10. Any response to this Office Action should be **faxed to (703) 872-9314 or mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Hand-delivered responses should be brought to

Crystal Park II
2021 Crystal Drive
Arlington, VA 22202
Sixth Floor (Receptionist)

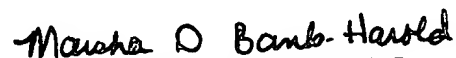
11. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Rafael Perez-Gutierrez whose telephone number is (703) 308-8996. The Examiner can normally be reached on Monday-Thursday from 6:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Marsha D. Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700 or call customer service at (703) 306-0377.


Rafael Perez-Gutierrez

R.P.G./rpg **RAFAEL PEREZ-GUTIERREZ**
PATENT EXAMINER


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August 22, 2003